

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>4-28-09</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----x
TOWNE PARTNERS LLC,

Plaintiff,

09 Civ. 1554(PKC)

-against-

ORDER

RJZM LLC,

Defendant.

-----x

P. KEVIN CASTEL, U.S.D.J.

The motion to remand to state court is now fully submitted and I await only the reply papers on the cross-motion to refer this action to the United States Bankruptcy Court.

I will direct that each counsel fax a letter to Chambers with copy to opposing counsel by May 6 at 5 p.m stating whether their client agrees to the following suggestion by the Court: Between May 7 and May 20, 2009, counsel for the parties, together with one member of the respective LLCs who has authority to settle the underlying dispute, meet face to face for no less than two hours with a meal served and the costs of same borne equally and with no preconditions to the meeting; if RJZM LLC asserts an inability to withstand a judgment for the amounts claimed, then it shall provide to Towne Partners LLC current financial statements in advance of the meeting. The Court is well aware from the papers that the parties have endeavored in the past to resolve the underlying dispute but without success. It is a new day.

-2-

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
April 28, 2009